

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

V.

CHARLOTINE PIERRE DUVERGE
AND PROVILON DUVERGE

CRIMINAL COMPLAINT

CASE NUMBER: 2005-MJ-0470-RBC-1
-2

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 31, 2005 in Essex county, in the

District of Massachusetts defendant(s) did, (Track Statutory Language of Offense)

knowingly execute or attempt to execute a scheme or artifice to obtain any of the moneys, funds credits, assets, securities or other property owned by or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; and
knowingly transfer, possess and use, without lawful authority, a means of identification of another person during and in relation to a violation of 18 U.S.C. Section 1344.

in violation of Title 18 United States Code, Section(s) 1344, 1028A

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following
Official Title

facts:

See Attached Affidavit of Dennis Regan

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

Dennis Regan
Signature of Complainant

Sworn to before me and subscribed in my presence,

09-01-2005

Date

at

Boston Massachusetts

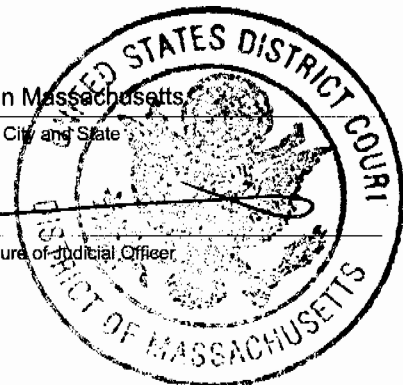
City and State

ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

[Signature]

Signature of Judicial Officer



AFFIDAVIT

I, Dennis Fegan, hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for over 13 years. I have been involved in numerous investigations involving white-collar crime, narcotics, violent crimes, and bank robberies and am a Certified Public Accountant. I have been assigned to the Boston Division of the FBI for the past year, and am currently assigned to the Economic Crimes Unit.

2. I am aware that Title 18 of the United States Code, Section 1344, makes it a crime for anyone to knowingly execute or attempt to execute a scheme or artifice to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

3. I am also aware that Title 18 of the United States Code, Section 1028A, makes it a crime for anyone to knowingly transfer, possess or use, without lawful authority, a means of identification of another person during and in relation to a violation of Title 18, United States Code, Section 1344, Bank Fraud.

4. I make this affidavit in support of a criminal complaint against CHARLOTINE PIERRE DUVERGE ("PIERRE DUVERGE") and PROVILON DUVERGE ("DUVERGE"). For the reasons detailed below, there is probable cause to believe that PIERRE DUVERGE and DIVURGE committed Bank Fraud and Aggravated Identity Theft on or about August 31, 2005.

5. Based on the information described below, I believe that PIERRE DUVERGE and DUVERGE are married.

6. The facts stated herein are based on my own personal involvement in this investigation, my discussions with other law enforcement officers also involved in the investigation, my review of police reports, as well as interviews with victims and witnesses to the matter contained herein. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish the requisite probable cause.

OVERVIEW OF THE SCHEME:

7. Based on the investigation to date, I believe that PIERRE DUVERGE and DUVERGE are involved, along with several other individuals, in a scheme to buy properties through the use of mortgages obtained using the credit histories of innocent third parties. The group then "sells" those properties at a higher price using a different stolen identity to obtain a larger fraudulent mortgage. In this manner, the group can purchase a house for, say, \$300,000 financed largely with a mortgage, not make any payments on that mortgage, then a few months later "sell" the house to another person involved in the scheme who uses a stolen identity to "purchase" the house for, say, \$400,000, again financed largely with a fraudulently obtained mortgage. The group then repeats this process at a still higher amount, obtaining a still higher mortgage. By doing so, the group creates the appearance of a house rising in value, allowing them to obtain ever larger mortgages. The group makes as profit the difference in price between the original purchase price and the size of the largest fraudulent mortgage.

8. Both the banks who unwittingly provide these fraudulent mortgages, and the individual victims whose identities are stolen and upon whose credit history these mortgages are provided are victims of this scheme.

SPECIFIC ACTIVITY CHARGED IN THE CRIMINAL COMPLAINT:

9. On or about August 26, 2005, PIERRE DUVERGE submitted an application for a mortgage loan from Flagstar Bank in Gloucester, Massachusetts for \$500,000. PIERRE DUVERGE submitted this application in the name of an individual with the initials G.G., using G.G.'s social security number, in an effort to qualify for the necessary credit.

10. Flagstar Bank is a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation.

11. The proposed loan is to be secured by 122 Hamilton Street, Saugus, Massachusetts, a house that PIERRE DUVERGE purports to be in the process of purchasing. Closing on the purchase of this house is scheduled for September 2, 2005.

12. A law enforcement officer working with me in this investigation confirmed that the social security number provided for the loan belongs to a real person with the initials G.G. This is the same name that PIERRE DUVERGE is using to purchase the above-described property, but PIERRE DUVERGE has misspelled the first name in the documents she has provided the bank by leaving off a single letter. G.G. has been interviewed and has stated that neither PIERRE DUVERGE nor anyone else had her permission to apply for a loan using her identity information.

13. In the process of submitting this application for the above-described mortgage, PIERRE DUVERGE provided the bank with a copy of a counterfeit Massachusetts driver's license in the name of G.G. but with PIERRE DUVERGE's photograph. The address provided on the license is 25 Seaview Avenue, Malden, Massachusetts.

14. On or about August 30, 2005, PIERRE DUVERGE, claiming to be G.G., spoke by telephone with an agent of Flagstar Bank and informed the bank's agent that she wanted her "husband" PROVILON DUVERGE to co-sign the loan during the closing.

15. On or about August 31, 2005, PIERRE DUVERGE and DUVERGE signed the loan application described above.

EVIDENCE THAT PIERRE DUVERGE AND DUVERGE ARE THE PERPETRATORS OF THE FRAUD

16. I have compared the photograph appearing in the records of the Massachusetts Registry of Motor Vehicles ("RMV") for PIERRE DUVERGE with the photograph appearing on the counterfeit license described above. I believe that these photographs are of the same person. Moreover, the address on the counterfeit license – 25 Seaview Avenue, Malden, Massachusetts – is an address that also appears in the RMV record as an address that had been used by PIERRE DUVERGE.

17. DUVERGE also provided a copy of his driver's license at the request of the bank. Based on a review of the Massachusetts RMV records related to DUVERGE, I believe that the license provided by DUVERGE is his real Massachusetts driver's license.

18. I have also reviewed the RMV record relating to DUVERGE. According to DUVERGE's RMV record, from September of 2004 until January of 2005, DUVERGE lived at 25 Seaview Avenue, in Malden, Massachusetts, the same address that PIERRE DUVERGE provided on the aforementioned fake driver's license in G.G.'s name.

19. DUVERGE's current listed address on RMV records is 122 Hamilton Street, Saugus, Massachusetts – the house that PIERRE DUVERGE and DUVERGE are purportedly purchasing on or about September 2, 2005.

20. According to the United States Postal Service, both PIERRE DUVERGE and DUVERGE currently receive mail at 122 Hamilton Street, Saugus, Massachusetts – the house that PIERRE DUVERGE and DUVERGE are purportedly purchasing on September 2, 2005.

21. PIERRE DUVERGE's RMV record also reflects that on August 27, 2003, PIERRE DUVERGE changed her name from CHARLOTINE PIERRE to CHARLOTINE DUVERGE, which, combined with the evidence that she and DUVERGE have shared addresses, suggests to me that PIERRE DUVERGE is married to DUVERGE.

CONCLUSION:

22. Based on the information set forth above, there is probable cause to believe that PIERRE DURVERGE and DUVERGE have committed Bank Fraud and Aggravated Identity Theft in violation of federal law, namely Title 18, United States Code, Section 1344, and Title 18, United States Code, Section 1028A.


DENNIS REGAN
Special Agent, F.B.I.

Subscribed and sworn to before me this 1st day of September 2005.

ROBERT B. COLLINGS
United States Magistrate Judge

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency FBICity Gloucester Related Case Information:County Essex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name PROVILON DUVERGE Juvenile ☐ Yes ☒ No

Alias Name _____

Address 122 Hamilton Street, Saugus, MassachusettsBirth date (Year only): 1976 SSN (last 4 #): 4578 Sex M Race: BL Nationality: Haitian

Defense Counsel if known: _____ Address: _____

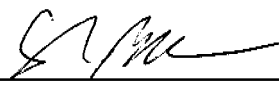
Bar Number: _____

U.S. Attorney Information:AUSA Seth Berman Bar Number if applicable 629332Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: September 1, 2005Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant PROVILON DUVERGE

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 1344</u>	<u>Bank Fraud</u>	<u>1</u>
Set 2	<u>18 U.S.C. § 1023A</u>	<u>Aggravated Identity Theft</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION:

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency FBICity Gloucester Related Case Information:County Essex Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name CHARLOTINE PIERRE DUVERGE Juvenile ☐ Yes ☒ No

Alias Name _____

Address 122 Hamilton Street, Saugus, MassachusettsBirth date (Year only): 1976 SSN (last 4 #): 8201 Sex F Race: BL Nationality: Haitian

Defense Counsel if known: _____ Address: _____


Bar Number: _____

U.S. Attorney Information:AUSA Seth Berman Bar Number if applicable 629332Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

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Name of Defendant CHARLOTINE PIERRE DUVERGE

U.S.C. Citations

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Set 1	<u>18 U.S.C. § 1344</u>	<u>Bank Fraud</u>	<u>1</u>
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Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: